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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,410	10/14/2003	Philippe Tarbouriech	1788-067-03 (XNT 00.02 D2	1729
996 7590 03/06/2007 GRAYBEAL, JACKSON, HALEY LLP 155 - 108TH AVENUE NE SUITE 350 BELLEVUE, WA 98004-5901			EXAMINER GELIN, JEAN ALLAND	
			ART UNIT 2617	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/687,410	TARBOURIECH, PHILIPPE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jean A. Gelin	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 30-42 and 52-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-42 is/are allowed.
- 6) ☒ Claim(s) 52-54, 56, 59-61 and 63 is/are rejected.
- 7) ☒ Claim(s) 55, 57, 58, 62 and 64-67 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/26/06 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 59-61 and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. (WO 91/11062).

Regarding claims 59, 63, Young teaches a method for determining a frequency receiver is tuned (i.e., the RMD determines the station to which the radio is tuned, page 10, lines 2-9, page 12, lines 6-28) comprising the steps of receiving a manual activation signal (i.e., a manual input signal, pages 8-10); receiving a first radio signal on a first frequency (i.e., receiving a command signal, page 9, lines 7-25); corresponding receiving an audio signal from a broadcast receiver (pages 8-10); and determining if

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the received audio signal includes a to the first received radio signal to which a broadcast first audio signal (pages 8-10).

Regarding claim 60, Young teaches if the received audio signal includes the first audio signal corresponding to the first received radio signal, logging the first frequency (pages 7-8).

Regarding claim 61, Young teaches logging a time corresponding to the receipt of the first radio signal (pages 7-8).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 52-54, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (WO 91/11062) in view of Zucker (US 5,689,822).

Regarding claim 52, Young teaches method for determining a frequency to which a broadcast receiver is tuned (i.e., the RMD determines the station to which the radio is tuned, page 10, lines 2-9, page 12, lines 6-28) comprising the steps of: receiving an audio signal from a broadcast receiver (pages 9-10); and determining if the received audio signal includes a first audio signal corresponding to the first emitted radio signal (pages 9-10).

Young does not specifically teach emitting a first radio signal on a first frequency. However, the preceding limitation is known in the art of communications. Zucker teaches a local signal is emitted to identify the broadcast signal to which the radio receiver is tuned, and a tuning signal is produced in accordance with the local signal (col. 3, lines 6-32). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Zucker within the system of Young in order to augment the reception capabilities of existing broadcast receivers without connecting wire or cable whether at home or in an automobile.

Regarding claim 53, Young in view of Zucker teaches teaches all the limitations above. Young further teaches if the received audio signal includes the first audio signal corresponding to the first emitted radio signal, logging the first frequency (pages 14-15).

Regarding claim 54, Young in view of Zucker teaches teaches all the limitations above. Young further teaches logging a time corresponding to the emission of the first radio signal (pages 14-15).

Regarding claim 56, Young in view of Zucker teaches teaches all the limitations above. Young further teaches receiving an activation signal; and wherein the steps of emitting the first radio signal (pages 9-10), receiving an audio signal, and determining if the received audio signal corresponds to the first emitted radio signal are made responsive to receipt of the activation signal (pages 8-11).

***Allowable Subject Matter***

6. Claims 30-42 are allowed.

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7. Claims 55, 57, 58, 62, 64-67 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 52-54, 56, 59-61, and 63 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin  
March 2, 2007

**JEAN GELIN**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script, reading "Jean Gelin". The signature is written in black ink and is positioned below the printed name and title.